

When you appeal to WCAT, you will either have an in person hearing (oral hearing), or the chance to make your arguments in writing. An oral hearing is your chance to tell us, in your own voice, why your appeal should be allowed.

**This fact sheet is designed to help you understand how oral hearings work.**

## APPEAL STEPS



## STARTING THE PROCESS

If you are an Indigenous person (Inuit, Metis, First Nations, non-status, status, or anyone with First Nations ancestry) you can contact us and ask for a Navigator.

The Navigator is responsible for the overall processing of appeals where a party has self-identified as an Indigenous person. WCAT will strive to demonstrate a welcoming demeanour to self-identified parties who are Indigenous and provide respectful service that reflects an understanding of differences in the culture and history of Indigenous peoples.

A Navigator can help you by explaining our process and giving you information about how to prepare.

A Navigator will explain the different ways an appeal will proceed and what type of evidence is commonly provided to WCAT.

## BEFORE THE HEARING

After you have filed your appeal WCAT tells WorkSafeBC to give you access to the information in your claim file. WorkSafeBC will send you an email telling you when you can get access to your claim file online. If you do not have email or access to the internet, or if you are not able to look at big files on a computer, tell the Navigator so we can ask WorkSafeBC to send you a paper copy of your file.

If you need documents that aren't already in your claim file, you should get them as soon as you can. You should try to send them to us before the oral hearing. It can take time to get these documents, particularly medical records or reports/opinions. Bring a copy of all these documents to the hearing.

The Navigator can help you schedule the location of the hearing, or to have the hearing held by phone or video. Hearings usually take one to two hours. If a hearing has been scheduled and you need to change the date or time, contact the Navigator right away.

## AT THE HEARING

At the oral hearing you will talk to the vice chair who is responsible for deciding your appeal. You can have a representative or support person with you at the hearing to help you with your appeal. A representative or support person can be someone with experience in workers' compensation issues, such as a lawyer or a consultant, or a family member or a friend. You do not have to have a representative. Many people come to oral hearings on their own.

You can bring witnesses to the oral hearing. If you are planning on bringing witnesses, you should try to tell us before the hearing. Witnesses may be asked to wait outside the hearing room until it is their turn to speak. If you or any of your witnesses need an interpreter you must tell WCAT before the hearing so that we can arrange that for you.

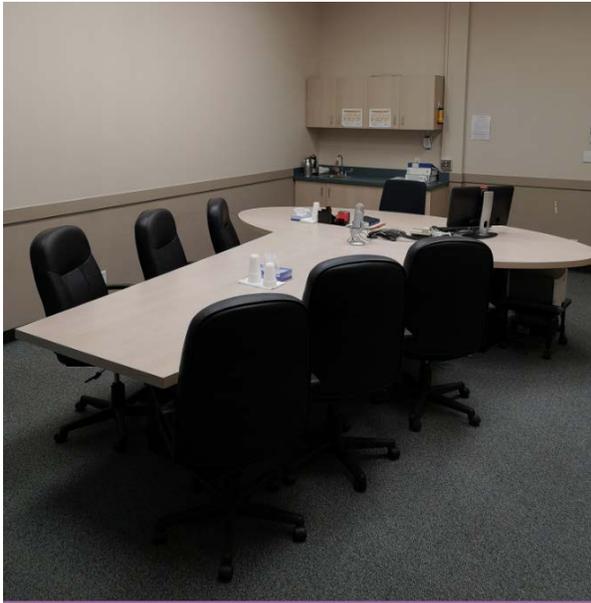
## INDIGENOUS APPELLANTS

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The respondent, usually your employer, will also be invited to come to the oral hearing. They may be there in person or on the phone.

They may also have a representative with them. It is the employer's decision if they want to attend the oral hearing.

WCAT hearings are not formal like court hearings. There will be either a round table or tables arranged in a T-shape. You, the vice chair, the respondent, and any representatives or support person will sit around the table (either around the table or across from each other if the tables are in a T-shape).



The vice chair usually reads your claim file before the hearing so they will know what your appeal is about. You will be given the chance to tell your story. The vice chair may ask you questions. The respondent or their representative may ask you questions. If the respondent brings witnesses, you or your representative will be allowed to ask them questions. After all the questions have been answered you or your representative will have a chance to tell the vice chair why your appeal should be allowed.

You can ask the vice chair to order WorkSafeBC to pay you back for the expense of attending the appeal. For example,

travelling to the oral hearing, or wages you lost because you had to take time off work to come to the oral hearing. You can also request to be paid back for the expense of obtaining medical evidence, like a medical report/opinion. Remember to bring your receipts to give to the vice chair. WCAT may limit the reimbursement of expenses.

The vice chair is knowledgeable about workers' compensation. They are unbiased and will look at whether the Review Division decision was correct. The vice chair will make a decision based on the information in your WorkSafeBC claim file, additional documents you provided before the hearing, and the information they get at the hearing. You will not get the decision on the day of the hearing. The vice chair will send you their decision in writing.

### ADDITIONAL INFORMATION

You are encouraged to review the WorkSafeBC policies, WCAT's rules/practices, and WCAT decisions in cases that were like yours. That will give you an idea of the kind of information you should give to us. You can find helpful information on the WCAT website at [www.wcat.bc.ca](http://www.wcat.bc.ca). For example, you can find detailed guides for oral hearings, written submissions, and medical evidence on our website at the **Preparing for an Appeal** tab. You can also ask the Navigator for paper copies of the guides.

To ask for a Navigator please contact us at 604 664 7800 or toll free in BC at 1 800 663 2782.

### WHERE CAN I GET HELP WITH MY APPEAL?

You can get free help with your appeal from the Workers' Advisers Office. To receive assistance with an appeal please visit their website [www.labour.gov.bc.ca/wao](http://www.labour.gov.bc.ca/wao) and click on Start a New Inquiry.

If you are not able to access a computer please call the Workers' Advisers toll-free number: 1 800 663 4261.